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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,483	10/22/2003	Louis W. Blanco	9000/8	5046

27774 7590 04/04/2006

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EXAMINER

REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/691,483	Applicant(s) BLANCO ET AL.	
	Examiner Erick Rekstad	Art Unit 2621	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (a) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

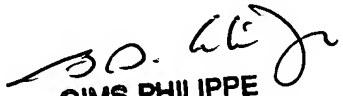
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues the combination of Kirmuss and Chuang. The applicant states the use of flash memory would not require the use of the solid state pump as taught by Kirmuss because flash memory has a wider operating temperature. Kirmuss teaches the use of a solid state pump not only to heat and cool the recording device but also to seal the device from airborne contaminants and associated maintenance (Paragraph [0191]). Further, as noted in the Final Rejection, Kirmuss suggests the use of memory sticks instead of a hard drive (Paragraph [0224]). Therefore Kirmuss must have been aware of the operating temperature of the memory. As is known in the art, the other components of the digital recorder will have different operating temperatures. Specifically the microcontroller (116) would need to be cooled to prevent overheating and failure, as is well known in the art. Therefore the applicant has neglected the requirements of the system as a whole and the combination of Kirmuss and Chuang would have been an obvious combination to one of ordinary skill in the art. The applicant further argues that the use of the solid state heat pump of Kirmuss would teach away from an in-dash location. As stated by Kirmuss the solid state heat pump uses a heat sink (Paragraph [0191]) which is well known in the art to be used on in dash receivers. Because the unit itself produces heat and is located in a confined space in the dash, one can not assume that the temperature would be the same as that in the main open area of a vehicle. Further, by using a solid state heat pump the digital recorder can obtain proper operating temperature sooner then waiting for an entire vehicle to cool or heat. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the digital recorder of Kirmuss in a dash because it does regulate its own temperature. The applicant further argues the combination of Kirmuss and Beckert, stating that Kirmuss does not teach the use of the digital recorder in a dash. As stated in the Final Rejection, Kirmuss teaches the digital recorder can fit in most compartments of the carrier vehicle (Paragraph [0152]) and further provides an example of placing the unit in a radio location (Paragraph [0152]). Therefore, Kirmuss has suggested that the unit is small enough to fit in most compartments of a vehicle and that such a compartment is a radio location. Beckert provides a further example of a computer system which fits in a standard radio location within the dash. It is viewed by the examiner that it would have been obvious to one of ordinary skill in the art at the time of the invention to locate the unit of Kirmuss in the dash location of Beckert as Kirmuss teaches the locating of the unit in a radio location


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